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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/852,740	05/11/2001	Kenneth Arneson	20-485	5000
<div>7590 06/15/2009 MANELLI DENISON & SELTER PLLC 2000 M Street, N.W., 7th Floor Washington, DC 20036-3307</div>				
EXAMINER				
LASTRA, DANIEL				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/852,740

Applicant(s)

ARNESON ET AL.

Examiner

DANIEL LASTRA

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 5-28 and 38-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-28 and 38-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. Claims 1, 2, 5-28 and 38-41 have been examined. Application 09/852,740 (System and method for providing wireless services) has a filing date 05/11/2001 and Claims Priority from Provisional Application 60203885 (05/12/2000).

Response to Amendment

2. In response to Non Final Rejection filed 12/03/2008, the Applicant filed an Amendment on 03/03/2009, which amended claims 1, 9, 18, 21, 38.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 recites the limitation "said electronic information". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5-8, 16, 17, 20-28, 40 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bistriceanu (US 7,240,022) in view of Ng (US 6,405,175) and further in view of Katz (US 6,424,706).

As per claim 1, Bistriceanu teaches:

A method of purchasing goods or services, comprising:

creating credit in a service account server in response to an entity having actively interacted with a given website of a seller of goods or services, that has secured points from said service provider (col 5, lines 45-65);

crediting into a database said points to said service account based on said entity browsing a web site of said seller of goods or services (see col 5, lines 45-65)

directing payment for goods or services from said service provider with said points credited to said service account (see col 5, lines 52-65).

Bistriceanu does not teach that said points are wireless airtime units and that said service account and service provider are a wireless service account and wireless service provider. However, Ng teaches a system where users are rewarded with points from merely using a product/price database (see col 14, lines 27-35) and where said points are converted into telephone calling card minutes (see col 9, lines 25-30). Katz teaches a system that allows telephone calling card minutes stored in a minute account from a wireless service provider (see col 1, lines 10-20) to be redeemed for goods or services (see col 4, lines 57-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Bistriceanu would award users with points for browsing a website, where said points would be converted to telephone card minutes, as taught by Ng and where said telephone card minutes would be redeemable for products and services, as taught by Katz in order to provide a value added service to existing wireless telephone services and allow

subscribers to wireless providers to earn wireless airtime minutes for visiting a merchant's website and use said earned minutes to purchase goods or services.

As per claim 2, Bistriceanu teaches:

said directing payment is for payment of goods (see column 5, lines 55-65).

As per claim 5, Bistriceanu teaches:

said directing payment is for payment of a service (see column 5, lines 55-65).

As per claim 6, Bistriceanu does not teach:

said directing payment transfers wireless airtime units from a buyer's account to a seller's account. However, Katz teaches a system that allows the transfer of wireless minutes from one user to another user (see column 4, lines 39-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Bistriceanu would award users with points for browsing a website, where said points would be converted to telephone card minutes, as taught by Ng and where said telephone card minutes would be transferable from one user to another user, as taught by Katz in order to provide a value added service to existing wireless telephone services and allow subscribers to wireless providers to earn wireless airtime minutes for visiting a merchant's website and use said earned minutes as stored value.

As per claim 7, Bistriceanu does not teach:

said wireless airtime units can be used in a metered wireless communications system. However, Katz teaches a system that allows telephone calling card minutes stored in a minute account from a wireless service provider (see col 1, lines 10-20) to be used in metered wireless communication (see col 4, lines 57-67). Therefore, it would

have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Bistriceanu would award users with points for browsing a website, where said points would be converted to telephone card minutes, as taught by Ng and where said telephone card minutes would be used in a metered wireless communication, as taught by Katz in order to provide a value added service to existing wireless telephone services and allow subscribers to wireless providers to earn wireless airtime minutes for visiting a merchant's website and use said earned minutes as stored value.

As per claim 8, Bistriceanu does not teach:

said wireless airtime units can be used in post-paid wireless communications system. However, Katz teaches a system that allows telephone calling card minutes stored in a minute account from a wireless service provider (see col 1, lines 10-20) to be used to make purchases at any merchant's POS terminal, to make cash withdrawals or to place order online (see col 8, lines 15-33). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Bistriceanu would award users with points for browsing a website, where said points would be converted to telephone card minutes, as taught by Ng and where said telephone card minutes would be used in a post paid wireless communication system, as taught by Katz in order to provide a value added service to existing wireless telephone services and allow subscribers to wireless providers to earn wireless airtime minutes for visiting a merchant's website and use said earned minutes as stored value.

As per claim 16, Bistriceanu does not expressly teach:

crediting said wireless service account when said user purchases wireless airtime units. However, Katz teaches a prepaid card wireless system that allows subscribers to purchase additional wireless minutes (see Katz column 2, lines 15-25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Bistriceanu and Ng would allow a user to purchase additional wireless minutes, as taught by Katz in order that said user is allowed to continue using a communication device when the user's airtime minutes are already used up.

As per claim 17, Bistriceanu does not teach:

reducing a count of wireless service units in said wireless service account when said user uses a wireless communications device based on said wireless service account. However, Katz teaches a prepaid card wireless system that allows subscribers to purchase additional wireless minutes and use said minutes to make phone calls (see Katz column 2, lines 15-25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Bistriceanu and Ng would allow a user to purchase additional wireless minutes, as taught by Katz in order that said user is allowed to continue using a communication device when the user's airtime minutes are already used up.

As per claim 20, Bistriceanu does not expressly teach:

said wireless account is a metered phone service account. However, Katz teaches a system that allows telephone calling card minutes stored in a minute account from a wireless service provider (see col 1, lines 10-20) to be used in metered wireless

communication (see col 4, lines 57-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Bistriceanu would award users with points for browsing a website, where said points would be converted to telephone card minutes, as taught by Ng and where said telephone card minutes would be used in a metered wireless communication, as taught by Katz in order to provide a value added service to existing wireless telephone services and allow subscribers to wireless providers to earn wireless airtime minutes for visiting a merchant's website and use said earned minutes as stored value. (see column 4, lines 39-65).

As per claim 21, Bistriceanu teaches:

A method of paying for an offering, comprising:

creating credit in a service account server in response to an entity having actively interacted with a given website of a seller of goods or services, said seller of goods or services securing points from a service provider (col 5, lines 45-55);

crediting from said service provider said points to said service account server based on said entity having browsing said given web site of said seller of goods or services (see col 5, lines 45-55);

maintaining in said service account server a count of said points in said service account associated with an entity (see column 5, lines 55-65); and

reducing said maintained count of points in said service account server when said entity exchanges said points for a given good or service (see col 5, lines 55-65).

Bistriceanu does not teach that said points are wireless airtime units and that said service account and service provider are a wireless service account and wireless service provider. However, Ng teaches a system where users are rewarded with points from merely using a product/price database (see col 14, lines 27-35) where said points are converted into telephone calling card minutes (see col 9, lines 25-30). Katz teaches a system that allows telephone calling card minutes stored in a minute account from a wireless service provider (see col 1, lines 10-20) to be redeemed for goods or services (see col 4, lines 57-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Bistriceanu would award users with points for browsing a website, where said points would be converted to telephone card minutes, as taught by Ng and where said telephone card minutes would be redeemable for products and services, as taught by Katz in order to provide a value added service to existing wireless telephone services and allow subscribers to wireless providers to earn wireless airtime minutes for visiting a merchant's website and use said earned minutes to purchase goods or services.

As per claim 22, Bistriceanu teaches:

selling a product wherein said product can be purchased in exchange for a predefined number of said points in a service account associated with a purchaser of said product selling said product through a web site (see column 5, lines 55-65). Bistriceanu does not teach that said points are wireless airtime units, however, the same rejection made in claim 21 regarding this missing limitation is also made in claim 22.

As per claim 23, Bistriceanu teaches:

accepting a predefined number of said points in exchange for said offering (see column 5, lines 55-65). Bistriceanu does not teach that said points are wireless airtime units, however, the same rejection made in claim 21 regarding this missing limitation is also made in claim 23.

As per claim 24, Bistriceanu teaches:

said points are earned by performing an action on a web site (see col 5, lines 45-55). Bistriceanu does not teach that said points are wireless airtime units, however, the same rejection made in claim 21 regarding this missing limitation is also made in claim 24.

As per claim 25, Bistriceanu teaches:

said points are earned by visiting a web site (see col 5, lines 45-55). Bistriceanu does not teach that said points are wireless airtime units, however, the same rejection made in claim 21 regarding this missing limitation is also made in claim 25.

As per claim 26, Bistriceanu does not teach:

said wireless airtime units represent metered wireless services. However, Katz teaches a system that allows telephone calling card minutes stored in a minute account from a wireless service provider (see col 1, lines 10-20) to be used in metered wireless communication (see col 4, lines 57-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Bistriceanu would award users with points for browsing a website, where said points would be converted to telephone card minutes, as taught by Ng and where said

telephone card minutes would be used in a metered wireless communication, as taught by Katz in order to provide a value added service to existing wireless telephone services and allow subscribers to wireless providers to earn wireless airtime minutes for visiting a merchant's website and use said earned minutes as stored value. (see column 4, lines 39-65).

As per claim 27, Bistriceanu teaches:

crediting at least one point to said service account in response to behavior by said entity (see col 5, lines 45-55). Bistriceanu does not teach that said points are wireless airtime units, however, the same rejection made in claim 21 regarding this missing limitation is also made in claim 27.

As per claim 28, Bistriceanu teaches:

crediting one or more points to said service account in response to said entity visiting a web site (see col 5, lines 45-55). Bistriceanu does not teach that said points are wireless airtime units, however, the same rejection made in claim 21 regarding this missing limitation is also made in claim 28.

As per claim 40, Bistriceanu does not teach:

said wireless service account is updateable with additionally purchased wireless airtime units. However, Katz teaches a prepaid card wireless system that allows subscribers to purchase additional wireless minutes (see Katz column 2, lines 15-25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Bistriceanu and Ng would allow a user to purchase additional wireless minutes, as taught by Katz in order that said user is

allowed to continue using a communication device when the user's airtime minutes are already used up.

As per claim 41, Bistriceanu does not teach:

said wireless service account is updateable with additionally purchased wireless airtime units from said wireless service account. However, Katz teaches a prepaid card wireless system that allows subscribers to purchase additional wireless minutes (see Katz column 2, lines 15-25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Bistriceanu and Ng would allow a user to purchase additional wireless minutes, as taught by Katz in order that said user is allowed to continue using a communication device when the user's airtime minutes are already used up.

5. Claims 9-15, 18, 19, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bistriceanu (US 7,240,022) in view of Ng (US 6,405,175).

As per claim 9, Bistriceanu teaches:

A method of providing e-commerce incentives, comprising:

creating credit in a service account server in response to a user having actively interacted with a website of a seller of goods or services, said seller of goods or services securing points from a service provider (see col 5, lines 45-65);

transmitting from said service account server an offer for said points to said user in response to said user having browsed a given web site of said seller of goods or services (see column 5, lines 45-65);

Bistriceanu does not teach that said points are wireless airtime units and that said service account and service provider are a wireless service account and wireless service provider. However, Ng teaches a system where users are rewarded with points from merely using a product/price database (see col 14, lines 27-35) and where said points are converted into telephone calling card minutes (see col 9, lines 25-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Bistriceanu would award users with points for browsing a website, where said points would be converted to telephone card minutes, as taught by Ng in order to provide a value added service to existing wireless telephone services and allow subscribers to wireless providers to earn wireless airtime minutes for visiting a merchant's website.

As per claim 10, Bistriceanu teaches:

wherein said action on said web site comprises: selection of an electronic advertisement (see column 6, lines 1-12).

As per claim 11, Bistriceanu teaches:

wherein said action on said web site comprises: returning to said web site (see column 10, lines 15-32).

As per claim 12, Bistriceanu teaches:

wherein said action on said web site comprises: obtaining electronic services (see column 5, lines 55-65).

As per claim 13, Bistriceanu teaches:

monitoring said web site to determine if said user performs said action on said web site (see column 5, lines 35-45).

As per claim 14, Bistriceanu does not expressly teach:

creating a wireless service account for said user in response to said user performing said action on said web site. However, Ng teaches a system where users are rewarded with points from merely using a product/price database (see col 14, lines 27-35) where said points are converted into telephone calling card minutes (see col 9, lines 25-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Bistriceanu would convert earned points into telephone calling card minutes, as taught by Ng in order that said recipient would be able to access to said wireless card account to make phone calls.

As per claim 15, Bistriceanu does not expressly teach:

crediting said wireless service account with said wireless airtime units. However, Ng teaches a system where users are rewarded with points from merely using a product/price database (see col 14, lines 27-35) where said points are converted into telephone calling card minutes (see col 9, lines 25-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Bistriceanu would award users with points for browsing a website, where said points would be converted to telephone card minutes, as taught by Ng in order to provide a value added service to existing wireless telephone services and allow subscribers to wireless providers to earn wireless airtime minutes for visiting a merchant's website.

As per claim 18, Bistriceanu teaches:

A method of conducting e-commerce, comprising:

creating credit in a service account server in response to a user having actively interacted with a given website of a seller of goods or services, said seller of goods or services securing points from a wireless service provider (col 5, lines 45-55);

transmitting from said service account server an offer for said points credited to said service account based on said user having browsed said given web site of said seller goods or services (see col 5, lines 45-55);

crediting from said service provider said service account server associated with said user with a given number of said points based on said user having browsed said given web site of said seller of goods or services (see column 5, lines 45-55). Bistriceanu does not teach that said points are wireless airtime units and that said service account and service provider are a wireless service account and wireless service provider. However, Ng teaches a system where users are rewarded with points from merely using a product/price database (see col 14, lines 27-35) where said points are converted into telephone calling card minutes (see col 9, lines 25-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Bistriceanu would award users with points for browsing a website, where said points would be converted to telephone card minutes, as taught by Ng in order to provide a value added service to existing wireless telephone services and allow subscribers to wireless providers to earn wireless airtime minutes for visiting a merchant's website.

As per claim 19, Bistriceanu does not expressly teach:

creating a phone service account for said user in response to said user accessing said electronic information. However, Ng teaches a system where users are rewarded with points from merely using a product/price database (see col 14, lines 27-35) where said points are converted into telephone calling card minutes (see col 9, lines 25-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Bistriceanu would award users with points for browsing a website, where said points would be converted to telephone card minutes, as taught by Ng in order to provide a value added service to existing wireless telephone services and allow subscribers to wireless providers to earn wireless airtime minutes for visiting a merchant's website.

As per claim 38, Bistriceanu teaches:

An incentive offering system, comprising:

a service account server maintained by a service provider and associated with an entity, said service account server maintaining a count of points (see col 5, lines 45-55);

a processor in communication with both an e-tailer website and said service account server, said processor being configured to increase said count of points when said entity has browsed said e-tailer web site (see col 5, lines 45-55);

wherein said e-tailer secures said points from a service provider (col 5, lines 45-55). Bistriceanu does not teach that said points are wireless airtime units and that said service account and service provider are a wireless service account and wireless service provider. However, Ng teaches a system where users are rewarded with points

from merely using a product/price database (see col 14, lines 27-35) where said points are converted into telephone calling card minutes (see col 9, lines 25-30). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Bistriceanu would award users with points for browsing a website, where said points would be converted to telephone card minutes, as taught by Ng in order to provide a value added service to existing wireless telephone services and allow subscribers to wireless providers to earn wireless airtime minutes for visiting a merchant's website.

As per claim 39, Bistriceanu teaches:

said e-tailer's web site is configured to monitor activity of said entity to determine if said entity has earned offered points; and said e-tailer's web site is configured to communicate with said processor to update said service account with said earned points (see col 5, lines 55-65). Bistriceanu does not teach that said points are wireless airtime units and that said service account is a wireless service account. However, the same argument made in claim 38 regarding this missing limitation is also made in claim 39.

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James W. Myhre can be reached on (571)272-6722. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/
Examiner, Art Unit 3688
June 12, 2009